

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN J. SHEFCIK,

Plaintiff,

v.

PIERCE COUNTY WASHINGTON  
JUDICIARY AGENCY/DEPARTMENT,

Defendant.

Case No. MC08-5008RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's Application to Proceed *In Forma Pauperis* on Appeal [Dkt. #5]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

On or about April 17, 2008 plaintiff filed a complaint requesting that a federal grand jury be empaneled to investigate the Pierce County Superior Court Clerk for alleged violations of 18 U.S.C. §241. On May 2, 2008 this Court entered an Order dismissing the complaint because "a private citizen has no judicially cognizable interest in the prosecution or non-prosecution of another." *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973).

Plaintiff now seeks to appeal this Court's Order. Fed. R. App. P. 24 and 28 U.S.C. §1915 govern applications to proceed *in forma pauperis* on appeal. *Hooker v. American Airlines*, 302 F.3d 1091 (9<sup>th</sup> Cir. 2002). "An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. §1915(a)(3). Because this appeal is frivolous, the Court hereby certifies that it is

1 not taken in good faith. Plaintiff's Application to Proceed *In Forma Pauperis* on Appeal [Dkt. #5] is  
2 **DENIED.**

3 **IT IS SO ORDERED.**

4 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing  
5 pro se.

6 Dated this 12<sup>th</sup> day of June, 2008.

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9 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE